

B. ELIGIBILITY RESTRICTIONS FOR TANF AND MEDICAL ASSISTANCE

Purpose: This section provides information on how an alien's immigration status affects their eligibility for Temporary Assistance to Needy Families (TANF) and medical benefits.

Effective September 12, 2002

WAC 388-424-0010 Alien status--Eligibility requirements for the temporary assistance for needy families program and medical benefits.

- (1) Qualified aliens as described in WAC 388-424-0005(3) who were residing in the United States (U.S.) before August 22, 1996 may receive temporary assistance for needy families (TANF), Medicaid, and SCHIP benefits.
- (2) Qualified aliens who first physically entered the U.S. after August 21, 1996 cannot receive TANF, Medicaid, or SCHIP for 5 years after obtaining status as a qualified alien, unless they are any of the following:
 - (a) An alien as described under WAC 388-424-0005(3)(b), (d), (e), (g), or (h), or
 - (b) A lawful permanent resident who is:
 - (i) On active duty in the U.S. military, other than active duty for training;
 - (ii) An honorably discharged U.S. veteran;
 - (iii) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;
 - (iv) A Hmong or Highland Lao veteran who served in the military on behalf of the U.S. Government during the Vietnam conflict; or
 - (v) The spouse or unmarried dependent child(ren) of a person described in subsection (2)(b)(i) through (iv) of this section.
- (3) A child born outside of the U.S. automatically becomes a U.S. citizen when:

- (a) At least one of the parents is a U.S. citizen by birth or naturalization;
 - (b) The child is under eighteen years of age;
 - (c) The child is residing in the U.S. in legal and physical custody of the citizen parent; and
 - (d) The child is a lawful permanent resident.
- (4) An Indian is described in WAC 388-424-0020(2)(b) and (c) may receive Medicaid or CHIP benefits.
- (5) Aliens, including PRUCOL aliens as defined in WAC 388-424-005(4), who would qualify for Medicaid benefits, but are determined ineligible because of alien status or requirements for a Social Security Number, may receive medical coverage as follows:
- (a) State-funded categorically needy (CN) scope of care for pregnant women, as described in WAC 388-462-0015; and
 - (b) Alien emergency medical services as described in WAC 388-438-0110.
- (6) Alien status does not affect eligibility for the medically indigent program described in WAC 388-438-0100.

CLARIFYING INFORMATION

How to determine a client's entry date:

1. Qualified aliens residing in the United States (U.S.) before August 22, 1996
Key word is **residing**.

Residing means the person has been continuously living in the US. A person may leave the US intermittently or for short periods of time and still meet the "continuously residing" test. A person does not have to be a Qualified Alien when they began residing in the US.

EXAMPLE 1

A person came to the US in 1992 as an undocumented alien, and **resided** in the US since that time, making annual trips to country of origin to visit parents. She recently self-petitioned INS as a battered alien (BA). A BA is a qualified alien and her entry date is 1992.

EXAMPLE 2

A person came to the US in 1992 as a visitor for three months. The person returned in 1994 as a student and returned to country of origin in 1995. She returned to the US after she obtained LPR status on October 10, 2001. She did not continuously reside in the US prior to 8/22/96. Her entry date is 10/10/01.

2. If a qualified alien did not continuously reside in the U.S. prior to 8/22/96, the person is subject to a **five-year ban** (unless exempt). The five-year ban **begins** on the date of the person's entry into the U.S. with an INS status within the meaning of the term "qualified alien".

EXAMPLE 1

A person came to the US in 1997 as an undocumented alien, She recently self-petitioned INS as a battered alien (BA) on April 15, 2002. A BA is a qualified alien subject to a five-year ban. Her entry date equals the date she obtained qualified alien status. Her entry date is April 15, 2002. She is eligible for federal programs in 2007.

EXAMPLE 2

A person entered the US on November 5, 1997 with parolee status. A parolee is a qualified alien with a five-year ban. His entry date is 11/5/97.

2. A child can automatically attain citizenship as described in (3) through a natural parent, adoptive parent, or stepparent.

EXAMPLE

A child and her mother enter the US in 2001 with the status of Lawful Permanent Resident. In 2002, the mother marries a US citizen. The child automatically attains citizenship effective the date of the marriage. The

mother does not.

WORKER RESPONSIBILITIES

1. You may use what ever the client provides if you decide it adequately confirms residence in the US. A person claiming to have continuously resided in the US may use many types of proof such as, but not limited to:
 - a. School records,
 - b. Tax records,
 - c. Utility bills, or
 - d. Pay stubs.

You may accept a written and signed statement from the client when the client is unable to provide any proof and has experienced special circumstances.

EXAMPLE

- The client's home burned and all paper work is gone.
 - The client is a victim of domestic violence and all documentation is in the possession of the abusing spouse.
3. See WAC 388-450-0105 for the treatment of income of household members who are ineligible to receive SFA cash due to their alien status.
 4. For sponsored aliens:
 - a. See WAC 388-450-0155, 388-450-0156, and 388-450-0160 for the treatment of the sponsor's income; and.
 - b. See WAC 388-470-0060 for the treatment of the sponsor's resources.